

and 1983 were avoidable. In other words, the high ratios recorded during this period must have reflected intentional design decisions of Philip Morris.

The second example of commercialization involves the king-size—85 millimeter—Merit Ultra Light. This cigarette was introduced in 1981 as a low-delivery cigarette. Its nicotine/tar ratio, however, was not the natural ratio of 0.07. Instead, like the Benson & Hedges cigarette, its nicotine/tar ratio was elevated. Specifically, the ratio was again 0.11—the level recommended by the Philip Morris researchers.

A chart again illustrates this point.

#### CURRENT EVIDENCE OF MANIPULATION

The evidence I have reviewed appears to show beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public in the late 1970's and early 1980's. Is there evidence that Philip Morris continues this manipulation today?

Recent data from the Federal Trade Commission is telling. It shows that the nicotine/tar ratio in the Merit Ultra Light cigarette has remained elevated. For instance, from 1988 through 1993, the nicotine/tar ratio in king-size Merit Ultra Light cigarettes sold in soft packs was 0.10—virtually the same elevated level as in 1981. This strongly suggests continued manipulation in this cigarette brand by Philip Morris.

There is one caveat in the recent data that should be noted. Starting in 1988, the FTC stopped doing its own tar and nicotine testing and instead began to rely on data submitted by the tobacco industry. The tobacco industry data is not as precise as the previous data. For this reason, it is possible that the actual nicotine/tar ratio in Merit Ultra Lights from 1988 to 1993 could deviate somewhat from the reported level.

Manipulating FTC nicotine deliveries is only one of several ways to manipulate the amount of nicotine received by the smoker. For instance, the amount of nicotine absorbed by a smoker can be increased without changing the FTC nicotine delivery by increasing the alkalinity—or pH—of smoke. Alternatively, changes in filter design, such as using ventilation holes that are covered by a smoker's lips, can be used to increase nicotine intake without affecting the FTC nicotine delivery.

I have tried to investigate whether Philip Morris uses these or other techniques to manipulate nicotine in cigarettes sold to the American public. Unfortunately, as I mentioned earlier, Philip Morris has not cooperated with this investigation. As a result, the full extent to which Philip Morris manipulates nicotine in its cigarettes is still unknown.

#### CONCLUSION

Today, another 3,000 children will begin to smoke. One third of these children will become addicted to nicotine and eventually die from lung cancer,

heart disease, or other illness caused by smoking.

We have it in our power to protect these children. Voluntary agreements with the tobacco industry will not work. The tobacco industry has pledged for decades to stop selling cigarettes to children, but it never does. In the last 3 years, despite the industry's pledges, the teen smoking rate actually increased by 30 percent.

The answer is commonsense regulation by an independent Federal agency—the Food and Drug Administration. We cannot trust the tobacco companies to determine when an advertisement is targeted at children. They continue to insist that Joe Camel is geared to adults. Only the FDA can make these determinations.

Ultimately, the question in front of President Clinton, the Members of this body, and the American people is a political question—not a legal or factual one. We must decide whether we are going to protect the health of our children or the profits of the Nation's most powerful special interest, the tobacco companies.

We are at a historic moment in the history of tobacco control. If we miss this opportunity, we will lose another generation of kids to nicotine addiction. I therefore call upon my colleagues to study the evidence I am presenting and to reject any legislative effort to block commonsense regulation.

Let us show the American people—and especially the children of this Nation—that we will represent their interests, not the special interests of the tobacco companies.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour, as well as the analysis of Dr. Kozlowski. Pursuant to my earlier unanimous consent request, I am inserting these documents into the RECORD for publication.

Mr. Speaker, I submit the following documents for the RECORD.

[The documents will appear in a future issue of the RECORD.]

□ 1315

#### RECESS

The SPEAKER pro tempore (Mr. EVRETT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COMBEST) at 2 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to the provisions

of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate later today.

#### DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2017), to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2017

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Highway Relief Act".

#### SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—In this section, the term "eligible project" means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay the Federal share of the costs of the project under title 23, United States Code, during the period beginning on the date of the enactment of this Act and ending September 30, 1996;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

#### SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, and to repay the United States for increased Federal shares of eligible projects paid pursuant to section 2(a). The fund shall be separate from the general fund of the District of Columbia.

(b) PAYMENT OF NON-FEDERAL SHARE.—For fiscal year 1997 and each fiscal year thereafter, amounts in the fund shall be sufficient to pay, at a minimum, the cost-sharing requirements established under title 23, United States Code, for such fiscal year.

## (c) REPAYMENT REQUIREMENTS.—

(1) FISCAL YEAR 1996.—By September 30, 1996, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid by the United States in such fiscal year pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(2) FISCAL YEAR 1997.—By September 30, 1997, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a) and with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(3) FISCAL YEAR 1998.—By September 30, 1998, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(4) DEPOSIT OF REPAID FUNDS.—Repayments made under paragraphs (1), (2), and (3) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(d) ENFORCEMENT.—If the District of Columbia does not meet any requirement established by subsection (a), (b), or (c) and applicable in a fiscal year, the Secretary of Transportation shall not approve any highway project in the District of Columbia under title 23, United States Code, until the requirement is met.

(e) GAO AUDIT.—Not later than December 31, 1996, and each December 31 thereafter, the Comptroller General of the United States shall audit the financial condition and the operations of the fund established under this section and shall submit to Congress a report on the results of such audit and on the financial condition and the results of the operation of the fund during the preceding fiscal year and on the expected condition and operations of the fund during the next 5 fiscal years.

**SEC. 4. ADDITIONAL REQUIREMENTS.**

(a) EXPEDITIOUS PROCESSING AND EXECUTION OF CONTRACTS.—The District of Columbia shall expeditiously process and execute contracts to implement the Federal-aid highway program in the District of Columbia.

(b) REVOLVING FUND ACCOUNT.—The District of Columbia shall establish an independent revolving fund account for Federal-aid highway projects. The account shall be separate from the capital account of the De-

partment of Public Works of the District of Columbia and shall be reserved for the prompt payment of contractors completing highway projects in the District of Columbia under title 23, United States Code.

(c) HIGHWAY PROJECT EXPERTISE AND RESOURCES.—The District of Columbia shall ensure that necessary expertise and resources are available for planning, design, and construction of Federal-aid highway projects in the District of Columbia.

(d) PROGRAMMATIC REFORMS.—The Secretary of Transportation, in consultation with the District of Columbia Financial Responsibility and Management Assistance Authority, may require administrative and programmatic reforms by the District of Columbia to ensure efficient management of the Federal-aid highway program in the District of Columbia.

(e) GAO AUDIT.—The Comptroller General of the United States shall review implementation of the requirements of this section (including requirements imposed under subsection (d)) and report to Congress on the results of such review not later than July 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2017 provides for an increased share in certain Federal-aid highway projects in the District of Columbia for the fiscal years 1995 and 1996.

This bill will also require the District to establish a dedicated highway fund for the first time to meet future local cost-share requirements, and repayments of the amounts weighed, and will ensure that improvements are made in the District's highway program. The District has been unable to provide local matching funds this year, as required under the Federal highway program; generally, 20 percent of the cost of the highway project.

In the past, the District has financed its entire capital improvement program through the sale of general obligation bonds. Because the District's bond rating now stands at junk bond status, the District has not sold any bonds these years, so it does not have the approximately \$20 million that is necessary to leverage over \$80 million in Federal highway funds.

Due to the lack of the local match no new construction projects are underway in the District today, and no new bids have been solicited in over 20 months.

Mr. Speaker, I am very pleased to see that the Washington Post and others have editorialized very strongly in support of this legislation, arguing that highways are good for the District, that they create jobs, and they stimulate economic activity. I am thrilled that they noticed this about the District of Columbia. We have been saying this about the rest of America for many, many years, and what is good for the rest of America is good for the District of Columbia as well.

This legislation, as amended by our committee, will allow an increased Federal share during 1995 and 1996 for certain highway projects. However, by December, 1995, the District, for the first time under our legislation, will have to establish a dedicated highway fund separate from the general fund. That is the good news.

Gas taxes and other motor vehicle taxes collected by the District must be deposited in this fund in amounts sufficient to repay the amounts waived in 1995 and 1996 to meet their annual match for fiscal 1997 and every year thereafter.

Currently, the gas taxes collected by the District are deposited in the general fund and mostly allocated to the metro account. The \$35 million in annual gas tax revenues will be more than adequate to meet cost-sharing requirements.

This legislation also includes a strict 3-year repayment schedule. By September 30, 1996, the District must repay 50 percent of the amount waived in 1995, approximately \$8 million; by September of 1997 another 50 percent; and then in 1996 another. By 1998, the District must make its final repayment of approximately 50 percent of the amount waived in 1996.

If the District does not meet any of these requirements, then the Secretary of Transportation must withhold approval of highway projects in the District until the requirement is met.

Finally, H.R. 2017 includes several other requirements to ensure that the District's highway program operates efficiently during the waiver period and in the future, with GAO reporting on the implementation of these requirements. The provisions in the legislation are significantly tougher than any other proposals which have been put forth to address this current crisis. However, the Committee on Transportation and Infrastructure believes that this temporary waiver is an extraordinary action, and these stringent requirements are justified.

I was a little concerned, Mr. Speaker, to see a statement of administration policy today which says "Similar waivers have been previously granted to 26 States." That is disingenuous at best. In the past, we have written into the law when there was substantial increased funding provided by the Federal Government that States would have time to make up the match, and we made this temporary waiver available to all 50 States. In no case were we faced with a situation where we had to give a waiver because a State was about to go into bankruptcy, as is the case with the District, so the District is unique.

This is different. We did not do it 26 times in the past, as has been suggested by the administration, but nevertheless, nonetheless, we think there are some big pluses in this action we are taking today, and that is imposing stringent requirements on the District for the first time.

Mr. Speaker, it is not the intention of the committee that the District receive further waivers in the future. For that reason, this legislation has been crafted to ensure that the improvements that are made in the current program as the dedicated highway fund will provide a stable revenue source for the District's match requirements in the years to come, long beyond the waiver period, so we should not be faced with this situation again in the district. We have worked very closely with the D.C. Control Board. I am told they support this legislation.

Also, I would emphasize that the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, has been a leader in helping us craft this legislation, along with other representatives from the region, the gentlemen from Virginia, Mr. DAVIS and Mr. WOLF, the gentlewoman from Maryland, Mrs. MORELLA, the gentleman from Virginia, Mr. MORAN, along with the help and cooperation of the gentleman from California, Mr. DIXON.

Therefore, Mr. Speaker, we bring this to the floor today with bipartisan support, support on the committee, support from the regional representatives, and we ask that this legislation be passed. It is unfortunate that the financial mismanagement of the District has forced this House to consider this bill today, but I think we have taken a bad situation and imposed tough requirements that will in the long run make much more discipline and stability in the District's highway program. That will be good not only for the residents of the District of Columbia, but for all Americans who visit our Nation's Capitol.

For all of these reasons, Mr. Speaker, I urge the House to adopt H.R. 2017.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Committee on Transportation and Infrastructure has explained the pending matter and I commend him for bringing the bill to the floor in such an expeditious manner.

This is one of those rare instances where the administration, the Senate, and the House are joining together in concert to provide relief to the residents of the District of Columbia.

In this regard, I think it important to point out that the issues raised by this legislation affect more than just the District, and more than the neighboring States of Maryland and Virginia which support it on the basis of maintaining a sound regional transportation system.

This bill has national and international implications as well.

For it is here, at the Nation's Capitol, that many American and foreign visitors alike come to witness the seat of the greatest democracy on this Earth.

As such, it is important that the gateway arteries into the city, those

roads with the greatest significance, at least be in passable if not excellent condition.

With respect to the pending matter, I would note that Congress on three other occasions granted temporary waivers from the local cost-sharing requirements under the Federal Aid Highway Program.

It is true that these waivers were generic in nature, with all States and territories eligible to participate.

On the other hand, while the pending bill relates only to the District of Columbia, it contains far more conditions to obtaining the waiver than were required in the past.

First, the bill provides for a very stringent repayment schedule, with payments made on an incremental basis.

Second, the repayment must be made in cash, with no option for the repayment to be made in the form of a reduction in the amount of future Federal aid highway funds available to the District.

Third, as a condition of obtaining the temporary waiver, the bill requires the District to establish a dedicated highway trust fund comprised of motor fuel tax receipts.

And fourth, if the District fails to meet these obligations in any respect, the Secretary of Transportation would be prohibited from approving any highway project in the city.

There are other conditions as well, conditions that any State would view as an intrusion on its rights, as a Federal mandate, as a regulatory burden.

But, as well all know, the District is not a State, and the conditions imposed by this legislation are agreeable to the local Government, the Control Board, and to the duly elected Representative of the District of Columbia in this body, Delegate ELEANOR HOLMES NORTON.

With that stated, Mr. Speaker, I urge adoption of the pending measure, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would emphasize to the House that the Speaker, the gentleman from Georgia, NEWT GINGRICH, has certainly pushed hard. He is really the one who came to our committee and said we should consider this legislation, so the Speaker certainly deserves great credit for his interest in seeing to it that we be helpful to the District on this particular issue.

Mr. DAVIS. Mr. Speaker, anyone who drives a car in Washington, DC, knows that this city needs highway money. Practically every street and highway in this town has potholes or broken pavement. Many of the bridges are in dire need of repair or replacement. It seems like every other bridge in the District has at least one heavy metal plate stuck in the pavement to cover a hole in the bridge. The road infrastructure in the District is falling apart. The \$82 million in Federal highway trust fund money is absolutely vital if the District is to reverse this trend.

But, as we are well aware, a decaying transportation infrastructure is not a unique

problem in Washington, DC. Many other cities face similar problems. So why should this city receive a total waiver of fiscal year 1996 and fiscal year 1997 matching funds requirements to get their highway money as the administration has asked for?

The District is in this position, because of years of fiscal mismanagement. The city could not sell bonds to raise the capital necessary to meet the 20-percent match requirement, because its bond rating is so poor. I do not think we want to reward the District's fiscal mismanagement by waiving the share requirement for 2 years. This would be unprecedented in the 39-year history of the Federal highway program and is simply the wrong direction to go in. This legislation does not grant a complete waiver and as a result, does not set such a precedent.

However, I support H.R. 2017, the District of Columbia Emergency Highway Relief Act, sponsored by Delegate NORTON and which I have cosponsored with Members from the region. I strongly support the Transportation Committee's mark up of H.R. 2017 which is being considered on the floor today. The District is in a budget crunch—one of its own making. But, we have acknowledged the mismanagement of the past that brought the District to this position, and we have put in place a Control Board to bring financial responsibility to the city's budget. That Board is in operation and has already taken aggressive steps to get control of this situation. There will be budgetary responsibility in the future.

With this bill, we are trying to respond to the immediate problem—the District will lose its Federal highway funding by August 1, if we do not act. This waiver is part of the solution we are trying to reach in the District. We are not penalizing the city for past sins by denying desperately needed highway funds. We are deferring payment of the matching share recognizing the city's immediate cash crisis and structuring a repayment program. This is a disciplined, responsible approach. I would note also that this is not unprecedented, on three occasions in 1975, 1982, and 1991 the States were given an opportunity to defer payment of their matching share and many States took advantage of that Federal offer. Admittedly, this is a different situation, the District is requesting this deferral, but after all, the District doesn't have a State to turn to like Fairfax County might under similar circumstances. The District of Columbia, as our national city, is unique and in many ways the Federal Government must act as the State for the city.

I have looked at the final bill reported from the Transportation Committee, and I heartily applaud their efforts. They have imposed financial restrictions on the District to ensure that this waiver does not become a permanent IOU to the Federal Government. Working in consultation with the District of Columbia Control Board, they have come up with restrictions that the city can live with.

Finally, I want to point out that this is a regional and a national problem. Hundreds of thousands of people in this region drive through the District daily and millions of tourists travel to Washington. They have a right to visit the Nation's Capital without having their cars swallowed by a pothole, because the District Government was not managing its budget properly in the past. We are now moving toward a solution to the District's problems, the waiver proposal in this bill is one more step

down that road, and I urge the committee to support it.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, because of the severe financial crisis of the District of Columbia and its inability to provide a 20-percent local match share, no Federal-aid highway funds have been obligated in the District for all of 1995. The highway program is at a virtual standstill, highway contractors are being forced to lay off workers, and there are concerns regarding the conditions of several of the major routes traveled each day by 300,000 commuters and visitors to the Nation's Capital.

H.R. 2017 would waive for 2 years the District's local cost share necessary to access roughly \$82 million in Federal highway funds in 1995 and a similar amount next year. However, because of the serious concerns on the part of the Transportation and Infrastructure Committee regarding this unprecedented waiver, other very substantial requirements and safeguards have been included in H.R. 2017.

The annual gas taxes and other vehicle use taxes collected by the District each year are currently earmarked for the Metro account of the general fund.

H.R. 2017 will require that the District establish a dedicated highway fund by the end of this year which must maintain, at a minimum, amounts necessary to meet the District's cost-sharing requirements beginning in fiscal year 1997. The fund must also have amounts necessary to meet the strict repayment schedule over fiscal years 1996 through 1998 of the approximately \$35 million of local match funds that are temporarily waived under this legislation. If any deadlines are not met, the Secretary of Transportation will withhold any further project approvals until the requirement is met by the District. By establishing this dedicated fund, the District will no longer rely on the bond market to secure the funds for its local share as has been its practice in the past. Rather, a stable and more secure source of the match, as well as repayment funds, will be in place.

Finally, section 4 of H.R. 2017 imposes additional requirements on the District which should lead to improvements in the District's highway program both during the 2-year waiver period and in the future.

Mr. Speaker, I do have concerns about moving forward with legislation which will waive, however temporarily, cost sharing requirements for one particular State due to its financial condition. The cost sharing principle is basic to the Federal Aid Highway Program and has been one of the reasons for its success over the past 40 years. We do

not grant this waiver lightly, nor do we intend that this be an invitation to other States to seek waivers in the future.

The Transportation Committee has worked closely and cooperatively with the various parties which have an interest in this legislation. These include Congresswoman NORTON and other Members representing the capital region, the Subcommittee on the District of Columbia, the recently created D.C. Financial Authority, and the District itself. The Speaker of the House also has an interest in this legislation. While I am disappointed that the financial mismanagement of the District has forced us to consider this bill today, passage of H.R. 2017 will allow critical highway projects to move forward in the District immediately, and will also result in a better, more stable highway program in the future.

I urge the House to approve H.R. 2017.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] has justifiably come to the Speaker of this body and asked for his support of this legislation.

I would also like to take one quick moment to commend the legislation led by the chairman of the Department of Transportation, Federica Peña, and most importantly Rodney Slater who has been most helpful on this legislation. Mr. Slater testified before our subcommittee in support of the bill. We have a statement of administration policy in support of this legislation, and so I commend them as well.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking minority member.

Mr. MINETA. Mr. Speaker, many of my colleagues have raised two questions about today's legislation. First, will the District pay the money back and second, will we be here a few years from now facing a similar situation?

I want to assure the Members that this bill was crafted specifically to address these two concerns. That's why it contains numerous accountability provisions to ensure that the District will not only promptly repay, in full, its local share, but also will dedicate stable, reliable funding for the future transportation program.

Unlike previous, broad-based waivers, such as the one offered to all States in 1991, this bill requires the District to repay in cash, beginning next year.

The bill also requires the District to establish a dedicated highway account, funded by motor fuel taxes and vehicles fees, to ensure that funds are available for the cash loan repayment and for future local shares. No longer will the District be able to rely solely on general obligation bonds to fund its local share.

In addition, the District's new financial control board has assured the Committee on Transportation and Infrastructure that the Board will closely

monitor District compliance with the terms of today's bill.

In closing, let me just remind my colleagues why we have Federal involvement in highway construction. Local road conditions have regional and national effects. The District's infrastructure affects not just District residents, but also thousands of daily commuters and millions of tourists.

This bill limits the use of the higher Federal share financing to projects of regional significance or those on National Highway System routes. The Federal Highway Administration has announced that it will closely monitor these projects, even locating some of its staff in the District's Department of Public Works, to ensure that Federal dollars are used wisely on only the most critical regional needs.

I think particular credit for pulling together this solution should go to ELIZABETH HOLMES NORTON, to Chairman SHUSTER, and to Speaker GINGRICH, all of whom have persevered in the face of great obstacles, because they know how important it is to solve this problem, rather than to ignore it.

The District's infrastructure is too important to both the region and the nation to allow it to deteriorate further. So, I urge my colleagues to recognize the importance of this legislation and to vote for the bill.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding time to me.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the Committee on Transportation and Infrastructure, for his work in finding an appropriate way to release funds for the resumption of street repair work in the District at a time when its financial condition does not allow the city to fund its matching share. My deep gratitude goes as well to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation, who quickly prepared a hearing and brought forward the information that was necessary to arrive at a viable bill. The work, advice, and counsel of the gentleman from California [Mr. MINETA], the full committee ranking member; and the gentleman from West Virginia [Mr. RAHALL], the ranking minority member of the Subcommittee on Surface Transportation, were indispensable to the bill, and they have my deep appreciation as well.

Mr. Speaker, in the Senate I am grateful to Senator JOHN WARNER who has already led that body to the passage of a bill similar to the one before the House today, and to Transportation Secretary Federico Peña and highway administrator Rodney Slater who have rendered extraordinary assistance. May I say also that I do not believe this bill would be on the Floor today without the indispensable assistance of Speaker NEWT GINGRICH.

Mr. Speaker, it is perhaps not surprising that a city close to insolvency would have difficulty making its matching share to obtain Federal funds. At the same time, my colleagues know that this body has taken definitive action to permanently repair the malfunction that led to the District's financial problems. In April, you approved the establishment of the financial responsibility and management assistance authority, whose work has only recently begun.

What H.R. 2017 does in large part is not only to allow the highway funds that have already been set aside to be used, but the bill of the gentleman from Pennsylvania also does what the financial authority would have done had it not been just established to correct the problems and prevent them from arising in the future.

Mr. Speaker, this waiver does not differ substantially from waivers previously granted to 39 States, except that it poses more stringent conditions on the District than on those States. Like those States, full repayment must be made. Unlike those States, the District must make a cash repayment of its waived funds, while waivers for other jurisdictions have allowed repayment from future highway fund apportionments. Unlike those States, the District is required to establish and maintain a separate dedicated revolving fund account to maintain its matching share. The GAO, the Highway Administration, and the D.C. Financial Authority, are given specific responsibilities to see that all the requirements of this bill are carried out.

Mr. Speaker, the other difference from waivers routinely granted in other States is that the District's waivers are granted individually by the bill at the end of the fiscal year rather than as part of a group of States at the time of the reauthorization of a highway bill.

Mr. Speaker, the individual waiver to the District is more than justified by three circumstances. First, this city is totally dependent on the Congress in time of emergency because under the Constitution, the District of Columbia is not a jurisdiction of any State, but is under the exclusive jurisdiction of the Congress. Other large cities and localities experiencing difficult times would turn on their States to develop a plan like that outlined in the Chairman's bill before you.

Second, the financial condition of the District of Columbia is due in large part to the fact that it must fund State, county and municipal functions that no large city could meet on its own today. These unfunded mandates include programs that cities do not fund at all, including medicaid and prisons. The many unfunded Federal mandates financed solely by District of Columbia residents, such as Aid to Families with Dependent Children, are funded entirely by businesses and residents of a city with less than 600,000

people, with a rapidly diminishing tax-paying population.

Mr. Speaker, it is easy enough to blame the District for its predicament, but fairness requires that the Congress look at the entire picture and ask yourselves whether any large city in the United States today could have carried this heavy State, county and municipal load alone without going under.

Mr. Speaker, finally, this waiver is surely warranted because the District of Columbia is our Nation's capital. Whenever the District has sought the same democratic rights as those enjoyed by citizens of the 50 States and the four territories, our citizens have been told that we cannot have full democracy because we live in the Nation's capital. This justification does not meet the high standards of democracy we have set for ourselves and have insisted upon throughout the world. Until the District of Columbia status is satisfactorily resolved, however, Congress must assume some of the responsibility that attaches to such a weighty denial of democracy.

Mr. Speaker, this is particularly the case for roads. The streets involved are mostly gateway streets traveled far more by 20 million tourists and commuters than by District residents. To miss another construction season is to condemn your constituents as well as mine to unsafe and uncomfortable road conditions. It would be unseemly at best for Congress to force the District to forego 2 years of already apportioned general highway funds while the Congress continue its work in a city collapsing around it.

Mr. Speaker, to its credit, the full committee and subcommittee have chosen a responsible course. The Chairman's version is a risk-free bill for the Congress because repayment is guaranteed, and because the bill contains structural changes to keep the situation from arising again.

Mr. Speaker, may I once again say that I appreciate the tremendous help we have received on this matter from Speaker GINGRICH, minority leader GEPHARDT, Chairman SHUSTER, Chairman PETRI, ranking member MINETA, ranking member RAHALL, the Regional Delegation and the Clinton administration. I ask for approval of the bill.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 2017, the District of Columbia Emergency Highway Relief Act. This legislation is of vital importance to our Nation's capital and the Washington metropolitan area and I urge Congress to approve this legislation as quickly as possible.

For the past 1½ years, the District of Columbia has not moved forward with critically important highway projects. As a result of the D.C. financial crisis, the District of Columbia has been unable to fund the matching share required before it may obligate Federal highway funds. The District of Columbia has been unable to plan and implement necessary highway projects. Now, roads and bridges in and around the District of Columbia are literally falling apart. Some roads are barely passable,

and without necessary repairs, may need to be closed off to traffic.

Our Nation's capital must have a basic network of transportation which includes safe roads. Transportation is about getting to work, the grocery store, church, and recreational activities. Safe roadways are critical for ambulances, fire and rescue vehicles, and police. Finally, roadways provide access to the Nation's capital, allowing thousands of Federal employees to get to work, and serving thousands more tourists who visit annually.

H.R. 2017 offers a reasonable and necessary solution to the District of Columbia dire financial situation. This legislation will grant the District of Columbia additional time in which to pay its matching share of the highway funds. The District of Columbia would be permitted to use its portion of Federal highway funds now rather than lose these funds forever. I want to underscore an essential aspect of this legislation: The bill does not provide a forgiveness of the matching fund requirement. The District of Columbia will still be required to pay the requisite matching portion. H.R. 2017 merely allows the District of Columbia additional time in which to make this payment while allowing critical road work to go forward.

In addition, as amended by the Transportation and Infrastructure Committee, H.R. 2017 includes important provisions aimed at improving highway program oversight in the District of Columbia by requiring it to institute programmatic reforms and establish a dedicated highway fund. Finally, the District of Columbia is subject to strict enforcement procedures if the repayment requirements of this legislation are not met.

The District of Columbia simply does not have the money necessary to pay its portion of the highway funds at this time. Additional oversight and control over the D.C. financial affairs has been implemented and I am hopeful that the control board can make needed improvement in the D.C. financial position. However, since the District of Columbia cannot pay its portion of the highway funds now, it will lose \$82 million in Federal highway funds unless legislation delaying payment of the District of Columbia portion is enacted.

Legislation is needed to allow for needed repairs and upgrades to the most heavily traveled roads leading to and within the District of Columbia. Timely enactment of this legislation will allow the District of Columbia to begin road work right away, during the summer construction period. I urge passage of H.R. 2017.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2017, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all